

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

WILLIAM C. YOUNG,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 12-0830-CV-W-ODS
)	
NCO FINANCIAL SYSTEM INC., et al.,)	
)	
Defendants.)	

ORDER DENYING PLAINTIFF'S MOTION FOR LEAVE
TO PROCEED IN FORMA PUAPERIS

Pending is Plaintiff's Motion for Leave to Proceed In Forma Pauperis. The Court concludes the proposed Complaint is frivolous within the meaning of 28 U.S.C. § 1915, so the motion (Doc. # 1) is denied.

A person may be excused from paying the filing fee if, among other things, the complaint the person wishes to file is not frivolous. 28 U.S.C. § 1915(e)(2). A complaint is frivolous when it lacks an arguable basis in law or fact. Nietzke v. Williams, 490 U.S. 319, 325 (1989). "[A] court is not bound, as it usually is when making a determination based solely on the pleadings, to accept without question the truth of the plaintiff's allegations." Denton v. Hernandez, 504 U.S. 25, 32 (1992). This permits the Court to decline a request for IFP status when the factual allegations are "irrational" or "wholly incredible." Id. at 32-33.

In his Complaint, Plaintiff contends his retirement check is being garnished to pay for his student loan. He describes the garnishment as wrongful in a conclusory manner, but does not explain how it is wrongful. He contends Time Warner expressed plans to terminate cable, internet and telephone service if he did not pay his bill, but provides no cogent reason why he has a claim against Time Warner. He lists six defendants; other than Time Warner and the United States Government Plaintiff provides scant information as to why they are being sued. In short, the Complaint provides no clear

basis as to (1) the basis of Plaintiff's claims, (2) the legal nature of his claims, or (3) why most of the would-be Defendants are answerable for his grievances. It lacks an arguable basis in fact and law and is deemed frivolous; Plaintiff will not be excused from paying the filing fee if he wishes to proceed on this Complaint.

IT IS SO ORDERED.

DATE: July 6, 2012

/s/ Ortrie D. Smith
ORTRIE D. SMITH, SENIOR JUDGE
UNITED STATES DISTRICT COURT